

Appl. No. 09/817,388
Amdt. Dated August 29, 2005
Reply to Office Action of July 27, 2005

Docket No. IRI05436
Customer No. 23330

REMARKS

Claim 1-2, 5-6, 9-10, 17 and 19 cancelled. Claims 3, 7-8, and 18 have been amended. Claims 3, 4, 7, 8, 11-16, 18 and 20 remain in the application. The actions taken are in the interest of expediting prosecution and with no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled in view of the prior art. Moreover, the amendment or cancellation of claims herein is without prejudice to pursuing claims of different scope by way of continuing Application. Reconsideration of this application is respectfully requested.

U.S.C. §112 second paragraph

Claim 1 and 17 are rejected under U.S.C. §112, second paragraph, as being indefinite for it being unclear whether bearer traffic is detected from a user terminal or a real time protocol of a user terminal. Claims 1 and 17 have been cancelled, rendering this rejection moot. However, since the limitations of claims 1 and 17 were incorporated into dependent claims, these limitations were amended to clear up any ambiguity.

U.S.C. 103

Claims 1, 5, 6, 9, 10, 17 and 19 are rejected under U.S.C. §103 as being unpatentable over Simard (U.S. Patent Publication 2002/0085697) in view of Verthein et al. (U.S. Patent No. 6,487,196). Claim 2 is rejected under U.S.C. §103 as being unpatentable over Simard and Verthein in view of Holden (U.S. Patent No. 6,771,639). Claims 1, 2, 5, 6, 9, 10, 17 and 19 have been cancelled rendering these rejections moot.

Allowable Subject Matter

Claims 3-4, 7-8, 11-16 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the

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base claim and any intervening claims. The claims have been rewritten as such and therefore are believed to be allowable. Claim 20 is allowed.

Prior Art

The references cited but not relied upon are believed not to anticipate or make obvious Applicants' invention.

Summary

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Accordingly, this application is believed to be in proper form for allowance and an early notice of allowance is respectfully requested.

Please charge any fees associated herewith, including extension of time fees, to 502117.

Respectfully submitted,

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